

**Notice of Allowability**

Application No.

09/912,589

Examiner

Wai-Sing Louie

Applicant(s)

BOUR ET AL.

Art Unit

2814

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/7/04.
2. ☒ The allowed claim(s) is/are 9-13, 15-17, 25-29 and 31-33.
3. ☒ The drawings filed on 24 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

The 37 C.F.R. 1.131 Declaration has overcome the Goetz et al. reference and the non-final rejection of previous office action is withdrawn. Claims 9-13, 15-17, 25-29, and 31-33 are allowed.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rachel Leiterman on 2/15/05.

The application has been amended as follows:

#### In the claims

Cancel claims 18-24.

#### *Allowable Subject Matter*

The following is an examiner's statement of reasons for allowance:

The claimed invention is a method of forming a light-emitting device, the method comprising:

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- Forming a first semiconductor layer of a first conductivity type and having a first surface;
- Forming an active region over the first semiconductor layer, the active region including at least two quantum well layers separated by a barrier layer, where the quantum well layer and the barrier layer is graded layer formed from a III-Nitride semiconductor alloy  $\text{In}_x\text{Al}_y\text{Ga}_{1-x-y}\text{N}$  where  $0 \leq x \leq 1$ ,  $0 \leq y \leq 1$ ,  $x+y \leq 1$ , the graded layer having a composition graded in a direction substantially perpendicular to the first surface of the first semiconductor layer;
- Forming a third semiconductor layer of a second conductivity type over the active region.

The prior art of record does not disclose or suggest either in singly or in combination the following limitations and other elements in the claims:

- Reference Jewell et al. (US 5,960,018) do not disclose a III-Nitride semiconductor alloy  $\text{In}_x\text{Al}_y\text{Ga}_{1-x-y}\text{N}$  where  $0 \leq x \leq 1$ ,  $0 \leq y \leq 1$ ,  $x+y \leq 1$ .
- Reference Tadatomo et al. (US 5,810,925) do not disclose the quantum well layer and the barrier layer is graded composition in a direction substantially perpendicular to the first surface of the first semiconductor layer.

Therefore, the above references do not disclose the claimed invention of present application and claims 9-13, 15-17, 25-29, and 31-33 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai-Sing Louie whose telephone number is (571) 272-1709. The examiner can normally be reached on 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wsl  
February 15, 2005.

LONG PHAM  
PRIMARY EXAMINER